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UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA

CHAPTER 13 PLAN AND RELATED MOTIONS

Name of Debtor(s):	Candace Y Jones	Case No: 11-31110
This plan, dated Sep	tember 26, 2014 , is:	
	the <i>first</i> Chapter 13 plan filed in this case. a modified Plan, which replaces the Confirmed or unconfirmed Plan dated 7/1/2013.	
:	Date and Time of Modified Plan Confirming Hearing: 11/12/2014 at 9:10 AM Place of Modified Plan Confirmation Hearing: 701 East Broad Street Courtroom 5000 Richmond VA 23:	
Claims	lan provisions modified by this filing are: s synced and plan brought current. Adding mortgage arr n payout remaining at 29%.	ears per consent order. Corrected liquidation
Credit None.	ors affected by this modification are:	

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this Plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This Plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless a written objection is filed not later than seven (7) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets: \$171,053.17

Total Non-Priority Unsecured Debt: \$72,776.89

Total Priority Debt: **\$5,794.00**Total Secured Debt: **\$110,595.00**

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- 1. Funding of Plan. The debtor(s) propose to pay the trustee the sum of \$636.51 Monthly for 43 months, then \$1,158.00 Monthly for 17 months. Other payments to the Trustee are as follows:

 The total amount to be paid into the plan is \$ 49,555.93 .
- 2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.
 - A. Administrative Claims under 11 U.S.C. § 1326.
 - 1. The Trustee will be paid the percentage fee fixed under 28 U.S.C. § 586(e), not to exceed 10%, of all sums disbursed except for funds returned to the debtor(s).
 - 2. Debtor(s)' attorney will be paid \$\(\frac{2,774.00}{} \) balance due of the total fee of \$\(\frac{3,000.00}{} \) concurrently with or prior to the payments to remaining creditors.
 - B. Claims under 11 U.S.C. §507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
Internal Revenue Service	Taxes and certain other debts	5,794.00	Prorata
			11 months

- 3. Secured Creditors: Motions to Value Collateral ("Cramdown"), Collateral being Surrendered, Adequate Protection Payments, and Payment of certain Secured Claims.
 - A. Motions to Value Collateral (other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) or by the final paragraph of 11 U.S.C. § 1325(a)). Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion to value collateral as set forth herein.

This section deals with valuation of certain claims secured by real and/or personal property, other than claims protected from "cramdown" by 11 U.S.C. § 1322(b)(2) [real estate which is debtor(s)' principal residence] or by the final paragraph of 11 U.S.C. § 1325(a) [motor vehicles purchased within 910 days or any other thing of value purchased within 1 year before filing bankruptcy], in which the replacement value is asserted to be less than the amount owing on the debt. Such debts will be treated as secured claims only to the extent of the replacement value of the collateral. That value will be paid with interest as provided in sub-section D of this section. You must refer to section 3(D) below to determine the interest rate, monthly payment and estimated term of repayment of any "crammed down" loan. The deficiency balance owed on such a loan will be treated as an unsecured claim to be paid only to the extent provided in section 4 of the Plan. The following secured claims are to be "crammed down" to the following values:

<u>Creditor</u> <u>Collateral</u> <u>Purchase Date</u> <u>Est Debt Bal.</u> <u>Replacement Value</u>
-NONE-

B. Real or Personal Property to be Surrendered.

Upon confirmation of the Plan, or before, the debtor(s) will surrender his/her/their interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled may be paid as a non-priority unsecured claim. Confirmation of the Plan shall terminate the automatic stay as to the interest of the debtor(s) and the estate in the collateral.

<u>Creditor</u> <u>Collateral Description</u> <u>Estimated Value</u> <u>Estimated Total Claim</u>

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C. Adequate Protection Payments.

The debtor(s) propose to make adequate protection payments required by 11 U.S.C. § 1326(a) or otherwise upon claims secured by personal property, until the commencement of payments provided for in sections 3(D) and/or 6(B) of the Plan, as follows:

Creditor Collateral Description

Adeq. Protection Monthly Payment

To Be Paid By

-NONE-

Any adequate protection payment upon an unexpired lease of personal property assumed by the debtor(s) pursuant to section 6(B) of the Plan shall be made by the debtor(s) as required by 11 U.S.C. § 1326(a)(1)(B) (payments coming due after the order for relief).

D. Payment of Secured Claims on Property Being Retained (except only those loans provided for in section 5 of

This section deals with payment of debts secured by real and/or personal property [including short term obligations, judgments, tax liens and other secured debts]. After confirmation of the Plan, the Trustee will pay to the holder of each allowed secured claim, which will be either the balance owed on the indebtedness or, where applicable, the collateral's replacement value as specified in sub-section A of this section, whichever is less, with interest at the rate provided below, the monthly payment specified below until the amount of the secured claim has been paid in full. Upon confirmation of the Plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed with and sustained by the Court.

Approx. Bal. of Debt or Interest Creditor Collateral Monthly Paymt & Est. Term** "Crammed Down" Value Rate -NONE-

E. Other Debts.

Debts which are (i) mortgage loans secured by real estate which is the debtor(s)' primary residence, or (ii) other long term obligations, whether secured or unsecured, to be continued upon the existing contract terms with any existing default in payments to be cured pursuant to 11 U.S.C. § 1322(b)(5), are provided for in section 5 of the Plan.

4. **Unsecured Claims.**

- Not separately classified. Allowed non-priority unsecured claims shall be paid pro rata from any distribution A. remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately %. The dividend percentage may vary depending on actual claims filed. If this case were liquidated under Chapter 7, the debtor(s) estimate that unsecured creditors would receive a dividend of approximately 9.52 %.
- В. Separately classified unsecured claims.

Creditor **Basis for Classification** Treatment -NONE-

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- 5. Mortgage Loans Secured by Real Property Constituting the Debtor(s)' Primary Residence; Other Long Term Payment Obligations, whether secured or unsecured, to be continued upon existing contract terms; Curing of any existing default under 11 U.S.C. § 1322(b)(5).
 - A. Debtor(s) to make regular contract payments; arrears, if any, to be paid by Trustee. The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below, without interest unless an interest rate is designated below for interest to be paid on the arrearage claim and such interest is provided for in the loan agreement.

		Regular		Arrearage		Monthly
		Contract	Estimated	Interest	Estimated	Arrearage
Creditor	Collateral	Payment	Arrearage	Rate	Cure Period	Payment
Citimortgage	Location: 340 Fawn Lane,	753.56	10,684.00	0%	22 months	Prorata
	Bracey VA 23919 Located in					
	Mecklenburg County					
Express Check Advance	2003 Chevy E3500	0.00	979.29	0%	22 months	Prorata

B. Trustee to make contract payments and cure arrears, if any. The Trustee shall pay the creditors listed below the regular contract monthly payments that come due during the period of this Plan, and pre-petition arrearages on such debts shall be cured by the Trustee either pro rata with other secured claims or with monthly payments as set forth below.

		Regular			Monthly
		Contract	Estimated Interest	Term for	Arrearage
Creditor	Collateral	Payment	Arrearage Rate	Arrearage	Payment
-NONE-					

C. Restructured Mortgage Loans to be paid fully during term of Plan. Any mortgage loan against real estate constituting the debtor(s)' principal residence upon which the last scheduled contract payment is due before the final payment under the Plan is due shall be paid by the Trustee during the term of the Plan as permitted by 11 U.S.C. § 1322(c)(2) with interest at the rate specified below as follows:

		Interest	Estimated	
Creditor	<u>Collateral</u>	Rate	Claim	Monthly Paymt& Est. Term**
-NONE-				

- **6. Unexpired Leases and Executory Contracts.** The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.
 - A. Executory contracts and unexpired leases to be rejected. The debtor(s) reject the following executory contracts.

Creditor	Type of Contract
-NONE-	

B. Executory contracts and unexpired leases to be assumed. The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

			Monthly	
			Payment	Estimated
Creditor	Type of Contract	Arrearage	for Arrears	Cure Period
-NONE-				

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7	7.	I iens	Which	Debtor(s)	Seek to	Avoid
1		Liens	willen	Debtorts	Seek to	A voia.

A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f). The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien. If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor -NONE-

Collateral

Exemption Amount

Value of Collateral

B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f). The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor -NONE-

Type of Lien

Description of Collateral

Basis for Avoidance

- 8. Treatment and Payment of Claims.
 - All creditors must timely file a proof of claim to receive payment from the Trustee.
 - If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the Plan, the creditor may be treated as unsecured for purposes of distribution under the Plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
 - If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the Plan.
 - The Trustee may adjust the monthly disbursement amount as needed to pay an allowed secured claim in full.
- 9. Vesting of Property of the Estate. Property of the estate shall revest in the debtor(s) upon confirmation of the Plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, encumber real property or enter into a mortgage loan modification without approval of the Court after notice to the Trustee, any creditor who has filed a request for notice and other creditors to the extent required by the Local Rules of this Court.
- **10. Incurrence of indebtedness.** The debtor(s) shall not voluntarily incur additional indebtedness exceeding the cumulative total of \$5,000 principal amount during the term of this Plan, either unsecured or secured against personal property, except upon approval of the Court after notice to the Trustee, any creditor who has filed a request for notice, and other creditors to the extent required by the Local Rules of this Court.
- 11. Other provisions of this plan:

/s/ Richard Oulton	
Richard Oulton	
Debtor's Attorney	
	Richard Oulton

Exhibits: Copy of Debtor(s)' Budget (Schedules I and J);

Matrix of Parties Served with Plan

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Certificate of Service

I certify that on September 26, 2014, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Richard Oulton
Richard Oulton

Signature

America Law Group, Inc. 2312 Boulevard Colonial Heights, VA 23834

Address

804-520-2428

Telephone No.

Ver. 09/17/09 [effective 12/01/09]

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B6I (Official Form 6I) (12/07)
Samuel R. Jones
In re Candace Y Jones

Case No. 11-31110

Debtor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S) - AMENDED

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status:	DEPENDEN	TS OF DEBTOR A	AND SPO	USE		
	RELATIONSHIP(S):	A	GE(S):			
Married	daughter		12			
Marriod	Daughter		16			
	daughter		19			
Employment:	DEBTOR			SPOUSE		
Occupation	Bus driver	Teacher	•			
Name of Employer	Brunswick Co Public	Brunsw	ick Co I	Public		
How long employed	3 years	3 years				
Address of Employer	1718 Farmers Field Road	1718 Fa	rmers F	ield Road		
1 3	Lawrenceville, VA 23868	Lawrence	eville,	VA 23868		
INCOME: (Estimate of average or	projected monthly income at time case filed)	•		DEBTOR		SPOUSE
	commissions (Prorate if not paid monthly)		\$	1,010.00	\$	3,437.00
2. Estimate monthly overtime	` ' '		\$	0.00	\$	0.00
2. Estimate monumy overtime			Ψ	0.00	Ψ	0.00
3. SUBTOTAL			\$	1,010.00	\$	3,437.00
3. SOBTOTAL			Ψ	1,010.00	Ψ	3,437.00
4. LESS PAYROLL DEDUCTION						
 a. Payroll taxes and social sec 	urity		\$	85.00	\$	633.00
b. Insurance			\$	0.00	\$	325.00
c. Union dues			\$	0.00	\$	0.00
d. Other (Specify):			\$	0.00	\$	0.00
			\$	0.00	\$	0.00
5. SUBTOTAL OF PAYROLL DE	DUCTIONS		\$	85.00	\$	958.00
6. TOTAL NET MONTHLY TAKE	E HOME PAY		\$	925.00	\$	2,479.00
7 Regular income from operation of	of business or profession or farm (Attach detailed	statement)	\$	0.00	•	0.00
8. Income from real property	of business of profession of farm (Attach detailed	statement)	\$	0.00	φ —	0.00
9. Interest and dividends			φ —		φ —	0.00
		414 -£	Φ	0.00	Φ_	0.00
	ort payments payable to the debtor for the debtor's	use or that of	\$	0.00	\$	0.00
dependents listed above 11. Social security or government a	ssistance		Ψ		Ψ	0.00
	SSISTATICE		\$	0.00	¢	0.00
(Specify):				0.00	ф —	0.00
10.70			\$	0.00	» —	0.00
12. Pension or retirement income			\$	0.00	\$	0.00
13. Other monthly income			ф		_	
(Specify):			\$	0.00	\$	0.00
			\$	0.00	\$	0.00
14. SUBTOTAL OF LINES 7 THR	OUGH 13		\$	0.00	\$	0.00
15. AVERAGE MONTHLY INCO	ME (Add amounts shown on lines 6 and 14)		\$	925.00	\$	2,479.00
16 COMBINED AVERAGE MON	THLY INCOME: (Combine column totals from	line 15)		\$	3,404	.00

(Report also on Summary of Schedules and, if applicable, on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

B6J	(Official	Form	6J)	(12/07)

In re Candace Y Jones Case No. Case No.

Debtor(s)

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S) - AMENDED

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Comple expenditures labeled "Spouse."	ete a separat	e schedule of
1. Rent or home mortgage payment (include lot rented for mobile home)	\$	753.56
a. Are real estate taxes included? Yes No X	·	
a. Are real estate taxes included? b. Is property insurance included? Yes No _X No _X No _X Yes No _X		
2. Utilities: a. Electricity and heating fuel	\$	200.00
b. Water and sewer	\$	0.00
c. Telephone	\$	250.00
d. Other cable	\$	77.00
3. Home maintenance (repairs and upkeep)	\$	0.00
4. Food	\$	500.00
5. Clothing	\$	45.00
6. Laundry and dry cleaning	\$	20.00
7. Medical and dental expenses	\$	30.00
8. Transportation (not including car payments)	\$	200.00
9. Recreation, clubs and entertainment, newspapers, magazines, etc.	\$	0.00
10. Charitable contributions	\$	0.00
11. Insurance (not deducted from wages or included in home mortgage payments)		
a. Homeowner's or renter's	\$	0.00
b. Life	\$	0.00
c. Health	\$	0.00
d. Auto	\$	177.00
e. Other	\$	0.00
12. Taxes (not deducted from wages or included in home mortgage payments)		
(Specify)	\$	0.00
13. Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a. Auto	\$	0.00
b. Other	\$	0.00
c. Other	\$	0.00
14. Alimony, maintenance, and support paid to others	\$	0.00
15. Payments for support of additional dependents not living at your home	\$	0.00
16. Regular expenses from operation of business, profession, or farm (attach detailed statement)	\$	0.00
17. Other	\$	0.00
Other	\$	0.00
18. AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and,	\$	2,252.56
if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		
19. Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document:		
20. STATEMENT OF MONTHLY NET INCOME	_	
a. Average monthly income from Line 15 of Schedule I	\$	3,404.00
b. Average monthly expenses from Line 18 above	\$	2,252.56
c. Monthly net income (a. minus b.)	\$	1,151.44

ADT PO Box 371490 Pittsburgh, PA 15250

ADT Security Services, Inc. 14200 E. Exposition Ave. Aurora, CO 80012

Afni, Inc. Attn: DP Recovery Support Po Box 3427 Bloomington, IL 61702

Afni, Inc. 500 Technology Drive #550 Saint Charles, MO 63304

Arrow Financial Services 5996 W Touhy Ave Niles, IL 60714

Asset Acceptance LLC PO Box 2036 Warren, MI 48090-2036

Barclays Bank Delaware Attention: Customer Support Department Po Box 8833 Wilmington, DE 19899

Chela Attn: Bankruptcy Po Box 9500 Wilkes-Barre, PA 18773

Citimortgage Po box 183040 Columbus, OH 43218

Cohen & Slamowitz LLp Po box 9001 Woodbury, NY 11797 Commercial Recovery 8035 East Rl Thornton Ste 220 Po Box 570909 Dallas, TX 75357

Dell Financial Services Attn: Bankruptcy Dept. Po Box 81577 Austin, TX 78708

Dell Financial Services LLP c/o Resurgent Capital Services Po Box 10390 Greenville, SC 29603

Express Check Advance 825 West Danville Street South Hill, VA 23970

First Premier Bank 3820 N Louise Ave Sioux Falls, SD 57107

First Premier Bank 601 S Minnesota Ave Sioux Falls, SD 57104

Fncc Attn: Bankruptcy Po Box 5097 Sioux Falls, SD 57117

Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101-7346

Jefferson Capital Systems LLC PO Box 953185 Saint Louis, MO 63195-3185

Law Office Cantor & Cantor 5300 Hickory Park Drive Glen Allen, VA 23059

Law office of Mitchell Kay PO Box 9006 Smithtown, NY 11787

Ltd Financial 7322 Southwest Freeway Ste1600 Houston, TX 77074

Maria Parham Medical Ctr 566 Run Creek Road Henderson, NC 27536

mason Shoes
Po Box 2808
Monroe, WI 53566

Midland Credit Management Po Box 939019 San Diego, CA 92193

Midland Credit Management 8875 Aero Drive, Suite 200 San Diego, CA 92123

Municipal Credit Uni 22 Cortlandt St New York, NY 10007

Municipal Credit Union Collections Department 22 Cortland Street, 20th Floor New York, NY 10007

NAtional Asst Recovery PO Box 701 Chesterfield, MO 63006

NCC 245 Main Street Dickson City, PA 18519

Palisades Collection C/0 Gregg Bienstock PO Box 610700 Bayside, NY 11361 Palisades Collections LLC Vativ Recovery Solutions LLC Po Box 40728 Houston, TX 77240-0728

Payday Loan po Box 572037 Salt Lake City, UT 84157

Pinnacle Credit Serivc Po Box 640 Hopkins, MN 55343

Plaza Assoc PO Box 18008 Hauppauge, NY 11788

Portfolio Rc Attn: Bankruptcy Po Box 41067 Norfolk, VA 23541

Portfolio Recovery Associates PO Box 12914 Norfolk, VA 23541

Premier Bankcard/Charter PO Box 2208 Vacaville, CA 95696

Sallie Mae Attn: Deposit Operations Po Box 7167 Indianapolis, IN 46206-7167

Santander Consumer Usa 8585 N Stemmons Fwy Ste Dallas, TX 75247

Seventh Avenue 1112 7th Ave Monroe, WI 53566 Seventh Avenue c/o Creditors Bankruptcy Servi PO Box 740933 Dallas, TX 75374

Target
Po Box 59317
Minneapolis, MN 55459

TD Bank USA, NA c/o Weinstein & Riley PS PO Box 3978 Seattle, WA 98124

Thinkcashfbd Brandywine Commons Wilmington, DE 19803

Vanda, 11c c/o Weinstein & Riley PS PO Box 3978 Seattle, WA 98124